

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 03-30047-MAP
)
)
MELVIN RICHARDSON,)
Defendant.)
)

JOINT MOTION FOR AN ORDER OF EXCLUDABLE DELAY AND TO ESTABLISH A
SCHEDULE FOR MOTIONS

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves for an order of excludable delay under the Speedy Trial Act, 18 U.S.C. §3161. In support of this motion the government states that during the week of February 28, 2005, Attorney Bongiorni, in the midst of a lengthy federal jury trial, orally notified the government, that he was unable to file the Defendant's Motion to Dismiss in a timely manner due to professional and personal obligations. Attorney Bongiorni indicated that his client would waive any claim to the Speedy Trial Act. I informed Attorney Bongiorni that I would not object to his requesting an extension of time to file his motion. Attorney Bongiorni indicated that he would speak to an assistant clerk and file a motion to extend the time for filing. From February 28, 2005 through the present, the undersigned U.S. Attorney had numerous conversations identical to the exchange summarized above.

On April 14, 2005, the undersigned U.S. Attorney pressed counsel on the urgency of this matter. The Defendant and the undersigned U.S. Attorney now move this court to exclude the time from February 28, 2005 until April 14, 2005 pursuant to 18 U.S.C. §3161(h)(8)(B)(iv), as counsel requires this continuance to prepare his motion to dismiss. In addition, the failure to exclude the time due to this requested continuance would result in a miscarriage of justice pursuant to 18 U.S.C. §3161(h)(8)(B)(i), as the Defendant will benefit from the delay by allowing counsel to file the Defendant's motion, and the government should not be penalized for attempting to accommodate counsel's obligations.

The Defendant now requests one month from today, April 14, 2005, to file a Motion to Dismiss. The Government requests two weeks to respond to the Defendant's motion(s), and moves this court to set a hearing date for the motion.

The Defendant, through his Attorney Bongiorni, has assented to the government's request to exclude this time, and has waived any claim to the Speedy Trial Act.

It is in the best interests of the Defendant, the government, and the public, to exclude the time from February 28, 2005 until April 14, 2005, from the period within which the trial of this case must commence under the Speedy Trial Act.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

/s/ Vincent Bongiorni
Vincent Bongiorni
Counsel for Melvin Richardson

Dated: April 14, 2005

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
April 14, 2005

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by mail by April 14, 2005, to Attorney Vincent Bongiorni.

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant U.S. Attorney